HONOURABLE SRI JUSTICE

B. SESHASAYANA REDDY

WRIT PETITION NO.20720 OF 2005

Dated 10-11-2005

Between :

K.A.Srinivasu, son of K.J.Rohana Rao, aged 20 years, Occupation: Student of Chaitanya Bharati Institute of Technology, resident of H.No.6-3-251/3, Erramanzil Colony, Hyderabad.

Petitioner.

And:

Osmania University represented by its Registrar, Hyderabad.

Respondent.

ORDER :

This writ petition has been filed by K.A. Srinivasu assailing the action of the respondent in not permitting him to write the B.E. (Electronics & Communication Engineering) third year 1st Semester examination.

2. The petitioner is a student of Engineering course in Chaitanya Bharati Institute of Technology, Hyderabad. The petitioner took admission in Chaitanya Bharati Institute of Technology, Hyderabad during the year 2002-2003. He cleared 16 subjects out of 28 subjects. Since the respondent-University has not permitted him to appear for 3rd year first Semester, he has chosen to approach this Court by invoking jurisdiction under Article 226 of the Constitution of India with a prayer stated supra.

3. It appears that, on an earlier occasion, the petitioner filed W.P. No.16871 of 2005 seeking the self same relief. The said writ petition came to be disposed of on 03-08-

2005. The order passed in the said writ petition reads as follows:

> "The writ petition has been filed by the writ petitioner-student seeking direction to the respondent to permit him to attend the 3rd year 1st semester classes of B.E.(Civil) and appearing for the B.E.(Civil) 3rd year 1st semester examinations and complete the course.
>
> The grievance of the petitioner is that he was not permitted by the respondent-University to attend the 3rd year 1st semester classes of B.E. on the ground that he has not passed the minimum subjects as required under the rules. On the earlier occasion, this matter has been heard at length, and thereafter it is represented that the petitioner along with other members made a representation dated 02-08-2005 to the respondent-University. In view of the said representation, they sought for a direction to the respondent-University to consider their representation without going into the merits of the contentions raised in the writ petition.
>
> Heard both parties and perused the material available on record.
>
> In view of the said representation, the writ petition is disposed of directing the respondent-University to dispose of the representation of the petitioner dated 02-08-2005 expeditiously."

4. The present writ petition is filed assailing the action of the respondent-University in not permitting the petitioner to take 3rd year 1st semester examination.

5. Heard the learned counsel for the petitioner and the learned standing counsel appearing for the respondent.

6. The learned counsel for the petitioner submits that out of 28 papers in B.E., 1st year and 2nd year, the petitioner has cleared 16 papers and therefore, he has completed 50% of total number of papers and thus he is eligible for taking 3rd year 1st semester examination. He has placed on record the statement showing the subject-wise pass.

7. The learned Standing Counsel for the respondent University submits that the representation of the petitioner came to be disposed of in view of the direction given in Writ Petition No.16871 of 2005 and the petitioner suppressing the said fact, has filed the present writ petition.

8. He further submits that a student shall not have back log of more than 50% of the total number of papers in B.E.II year to sit for B.E. III year I semester Examination. What he means to say is that the total number of papers, a candidate is required to

appear in B.E. 3rd year are 16 (1st semester 8 and 2nd semester 8) and total number of back log papers shall not be more than 50% which includes the backlog papers in 1st year and 2nd year. He refers the Revised Rules of promotion for B.E.(Regular & PTDC/FDH). The relevant portion of the revised rules needs to be extracted and it is thus:

REVISED RULES OF PROMOTION FOR B.E. (Regular & PTDC/FDH)

Sl. No. Semester/Class Conditions to be fulfilled for.

3. From B.E.II year II a) Regular Course of study of

Sem. to B.E.III year II Sem. of BE II year.

1 Sem. b) No. of backlogs, if any of BE

I & BE II years put together

shall not exceed to 50% of

the total number of papers

prescribed for the I & II

Semester of BE II year.

No. of papers prescribed for No. of backlogs permitted in

I & II Semesters of BE II year. I & II year put together.

12 6

13/14 7

15/16 8

17/18 9

9. Admittedly, the total number of papers in 2nd year BE 1st Semester and 2nd Semester are 16. The petitioner has to clear 12 back log papers. Thus, the total number of backlog papers which the petitioner has to clear exceeds 50%, of the papers prescribed for II year B.E. Course. Therefore, the petitioner is not eligible to appear for the 1st semester of 3rd year.

10. In the result, this writ petition is devoid of merits and therefore, the same is dismissed. No costs.

Justice B. SESHASAYANA REDDY

Date : 10-11-2005

Dvs

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